

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION**

UNITED STATES OF AMERICA

VERSUS

CRIMINAL ACTION NO. 2:06CR148-P-B

GUSTAVO MONTANEZ-HERNANDEZ

ORDER

This cause is before the Court on defendant Montanez-Hernandez's Motion for Continuance [13]. The Court, having reviewed the motion and being otherwise fully advised in the premises, finds as follows, to-wit:

The trial of this matter is currently set for January 30, 2007. Counsel for defendant seeks a continuance in order to complete discovery and to more fully investigate the relevant issues in order to facilitate the filing of additional pretrial motions. In addition, counsel's efforts to communicate with the defendant and various witnesses have been impeded by the need for an interpreter. The government does not object to the requested continuance. Based on the foregoing, the Court finds that the defendant's motion is well-taken and should be granted.

The above circumstances enable the Court to exclude, pursuant to 18 U.S.C. § 3161(h)(8)(A), the period of delay from January 29, 2007 until the new trial date to be set in this matter. The time is excludable under subsection (h)(8)(A) because, given the circumstances described above, a continuance is necessary to afford defendant additional time to investigate and prepare a defenses to the pending charges. Therefore, the ends of justice served by the granting of this continuance outweigh the best interests of the public and the defendants in a speedy trial.

IT IS, THEREFORE, ORDERED AND ADJUDGED that

1. The Motion for Continuance [13] is GRANTED;
2. That the trial of this matter is continued until Monday, February 26, 2007 at 9:00 a.m.
in the United States District Courthouse in Greenville, Mississippi;
3. That the delay from January 30, 2007 until February 26, 2007 is excluded as set out
above;
4. That the deadline for filing pretrial motions is February 5, 2007;
5. That the deadline for submitting a plea agreement is February 12, 2007.

SO ORDERED, this the 23rd day of January, 2007.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE